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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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FOREST HILLS, NY 11375				
			EXAMINER	
			PHAM, THOMAS K	
			ART UNIT	PAPER NUMBER
			2121	

DATE MAILED: 09/12/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/829,623

Applicant(s)

KOSEKI, AKIRA

Examiner

Thomas K. Pham

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 08 July 2005.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-23 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-23 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 10 April 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☒ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☒ All b) ☐ Some * c) ☐ None of:
- 1. ☒ Certified copies of the priority documents have been received.
 - 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 - 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) ☒ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date _____
- 4) ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: _____

Response to Amendment

1. This action is in response to request for continued examination filed on 07/08/2005.
2. Claims 1-23 are presented for examination.

Quotations of U.S. Code Title 35

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claim Rejections - 35 USC § 101

5. The language of the claim raises a question as to whether the claim is directed merely to an abstract idea that is not tied to a technological art, environment or machine which would result in a practical application producing a concrete, useful, and tangible result to form the basis of statutory subject matter under 35 U.S.C. 101.

Claims 1-8, 17, 19 and 20 are rejected under 35 U.S.C. 101 as not being tangible since the steps of the method do not require use of hardware or computer system to accomplish the steps. For example, any person can generate, assign and select specific information for providing or selling the information to a potential buyer. It should be noted that the term “network” alone does not require the claims to use any type of hardware or computer systems to accomplish the steps.

Claim 9 is rejected under 35 U.S.C. 101 as not being tangible since the elements or features of the claimed Machine can be implemented by software alone. For example, the software program alone can functionality provide the storing content of information, connecting the content of information, generate the content of information, assigning the content of information, and outputting the content of information. Therefore, the claim as a whole is a description of a software product.

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Claim Rejections - 35 USC § 102

6. Claims 1-23 are rejected under 35 U.S.C. 102(e) as being anticipated by U.S. Patent No. 6,275,988 ("Nagashima").

Regarding claim 1

Nagashima teaches an information providing method for a network, for providing, via a network (see col. 1 lines 15-19), content that constitutes an entire body of information based on conditions that are defined in advance (see col. 1 lines 20-25), comprising the steps of:

- generating a finite number of intermediate contents for content that corresponds to an entire body of information (see col. 13 line 65 to col. 14 line 13, *Examiner interprets that the image "Info 1 at resolution 3" as requested by user L must be generate or retrieve before it can be transmit to the user*), wherein said intermediate contents are hieratically structured according to an amount of information content (see col. 1 lines 47-53);
- assigning each of the images a layer in the hierarchical based on the resolution of the image that is proportional with the charges for each of the images (see col. 2 lines 56-60); and
- selecting at least one of the intermediate contents and providing information at a selected level (see col. 3 lines 11-19).

Regarding claim 9

Nagashima teaches an information providing apparatus comprising:

- storage means for storing content that constitutes an entire body of information (see col. 17 lines 8-33);

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- connection means for connecting said content to a network so as to provide said content (see col. 1 lines 20-25);
- generation means for, based on a condition determined in advance, generating intermediate contents at a finite number of levels relative to said content (see col. 13 line 65 to col. 14 line 13, *Examiner interprets that the image "Info 1 at resolution 3" as requested by user L must be generate or retrieve before it can be transmit to the user*), wherein said intermediate contents are hieratically structured according to an amount of information content (see col. 1 lines 47-53);
- means for assigning each of the images a layer in the hierarchical based on the resolution of the image that is proportional with the charges for each of the images (see col. 2 lines 56-60); and
- output means for selecting and outputting at least one of said intermediate contents (see col. 3 lines 11-19).

Regarding claim 23

Nagashima teaches a computer program product embodied in a tangible media comprising:

computer readable program codes coupled to the tangible media for providing, via a network (see col. 1 lines 15-19), content that constitutes an entire body of information based on conditions that are defined in advance (see col. 1 lines 20-25), the computer readable program codes configured to cause the program to:

- generate a finite number of intermediate contents for content that corresponds to an entire body of information, selecting at least one of said intermediate contents (see col. 13 line 65 to col. 14 line 13, *Examiner interprets that the image "Info 1 at resolution 3" as*

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requested by user L must be generate or retrieve before it can be transmit to the user), wherein said intermediate contents are hieratically structured according to an amount of information content (see col. 1 lines 47-53);

- assigning each of the images a layer in the hierarchical based on the resolution of the image that is proportional with the charges for each of the images (see col. 2 lines 56-60); and
- selecting at least one of the images for delivery at a selected layer (see col. 3 lines 11-19) for the purpose performing accounting processing (charges) in consideration of the kind and quality of information provided (see col. 1 lines 34-37).

Regarding claim 2

Nagashima further teaches wherein information contained in said content is employed as said intermediate content (see col. 1 lines 20-25, *Examiner interprets that the information being provided by an information service provider during communication between a consumer and a website provider.*).

Regarding claim 3

Nagashima further teaches wherein information obtained by changing at least a part of said information included in said content is employed as said intermediate content (see col. 17 lines 24-40).

Regarding claim 4

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Nagashima further teaches a condition determined in accordance with a request from a user is defined as said condition that is defined in advance (see col. 6 lines 29-35, *Examiner interprets that the resolution of the images defined the condition in advance.*)

Regarding claim 5

Nagashima further teaches wherein an intermediate content is selected at a level that corresponds to said condition determined in accordance with said request from said user (see col. 3 lines 11-19).

Regarding claim 6

Nagashima teaches a condition for reducing or increasing the amount of information in said content is defined as said condition that is defined in advance (see col. 10 lines 49-60, *Examiner interprets that the image the information is reduce when the resolution of the image is low and the information increases when the resolution of the image is high.*)

Regarding claim 7

Nagashima teaches wherein a condition for extracting an information type that represents said content is employed as said condition determined in advance (see col. 6 lines 22-27, *Examiner interprets that the resolution of the images defined the condition in advance.*)

Regarding claim 8

Nagashima teaches wherein price information is provided for said contents, and compensation information based on said price information is provided for each of said intermediate contents at said levels that are generated (see FIG. 3 and col. 7 lines 59-63).

Regarding claim 10

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Nagashima teaches generation means employs information included in said content to generate intermediate contents at a finite number of levels (see col. 7 lines 22-38).

Regarding claim 11

Nagashima teaches wherein said generation means employs information obtained by changing at least a part of the information included in said content to generate intermediate contents at a finite number of levels (see col. 17 lines 24-40).

Regarding claim 12

Nagashima teaches wherein said generation means includes input means for receiving a request from said user (see col. 10 lines 49-53), and a condition designated in accordance with said request is employed as said condition determined in advance (see col. 6 lines 22-27, *Examiner interprets that the resolution of the images defined the condition in advance*).

Regarding claim 13

Nagashima teaches wherein said output means selects an intermediate content at a level that corresponds to said condition designated in accordance with said request from said user (see col. 10 lines 54-64).

Regarding claim 14

Nagashima teaches wherein said generation means generates said intermediate contents by defining, as said condition determined in advance, a reduction or an increase in the amount of information contained by said content (see col. 10 lines 49-60, *Examiner interprets that the image the information is reduce when the resolution of the image is low and the information increases when the resolution of the image is high*).

Regarding claim 15

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Nagashima further teaches wherein said generation means generates said intermediate contents by defining, as said condition determined in advance, extraction of an information type that represents said content (see col. 2 lines 35-46).

Regarding claim 16

Nagashima further teaches price storage means for storing said content in correlation of with price information (see col. 1 lines 47-53); and compensation means for providing compensation information that is based on said price information for each of said intermediate contents at said levels that are generated (see col. 12 lines 55-62).

Regarding claim 17

Nagashima further teaches associating a content price for each of the intermediate contents based on their information content (see FIG. 3 and col. 7 lines 59-63).

Regarding claim 18

Nagashima further teaches a price storage unit configured to associate a content price for each of the intermediate contents based on their information content (see col. 1 lines 47-53).

Regarding claim 19

Nagashima further comprising providing a description of the amount of information contained in said finite number of intermediate contents (see FIG. 3 and col. 7 lines 59-63).

Regarding claim 20

Nagashima teaches wherein said intermediate contents are hieratically structured according to the number of pages contained therein (see col. 17 lines 16-23).

Regarding claim 21

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Nagashima teaches providing a description of the amount of information contained in said finite number of intermediate contents (see FIG. 3 and col. 7 lines 59-63).

Regarding claim 22

Nagashima teaches intermediate contents are hieratically structured according to the number of pages contained therein (see col. 17 lines 16-23).

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to examiner *Thomas Pham*; whose telephone number is (571) 272-3689, Monday - Thursday from 6:30 AM - 5:00 PM EST or contact Supervisor *Mr. Anthony Knight* at (571) 272-3687.

Any response to this office action should be mailed to: **Commissioner for Patents, P.O. Box 1450, Alexandria VA 22313-1450**. Responses may also be faxed to the **official fax number (571) 273-8300**.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Thomas Pham
Patent Examiner

A handwritten signature in black ink, appearing to read 'Th. Pham', with a long, sweeping horizontal stroke extending to the right.

September 6, 2005